

SENATE BILL 889
EMERGENCY BILL

Unofficial Copy
L6

2001 Regular Session
11r3026

By: **Senator Colburn**

Introduced and read first time: March 5, 2001

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, March 12, 2001

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2001

CHAPTER _____

1 AN ACT concerning

2 **Mid-Shore Regional Council**

3 FOR the purpose of adding a new article to the Annotated Code of Maryland to be
4 designated and known as the "Mid-Shore Regional Council"; establishing the
5 Council as ~~an association of local governments from a regional planning and~~
6 ~~development agency for~~ Caroline, Dorchester, and Talbot counties to facilitate
7 regional planning and development where the counties are located; providing for
8 the function and dissolution of the Council; providing for the membership of the
9 Council; providing for the terms of the members of the Council; prohibiting a
10 member from receiving compensation; ~~specifying that membership on the~~
11 ~~Council does not constitute an office of profit~~; providing for the powers and
12 functions of the Council; providing funding for the Council from the State
13 budget and local governments representing the Council; ~~providing for the~~
14 ~~construction of this Act~~; making this Act an emergency measure; and generally
15 relating to the Mid-Shore Regional Council.

16 BY adding

17 New Article 20C - Mid-Shore Regional Council

18 Section 1-101 through 2-301

19 Annotated Code of Maryland

20 (1998 Replacement Volume and 2000 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

1 **ARTICLE 20C - MID-SHORE REGIONAL COUNCIL**

2 TITLE 1. GENERAL PROVISIONS.

3 1-101.

4 (A) IN THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "AREA" MEANS THE REGIONAL PLANNING AND DEVELOPMENT AREA THAT
7 INCLUDES ALL OF CAROLINE, DORCHESTER, AND TALBOT COUNTIES.

8 (C) "COMMISSIONERS" MEANS THE COUNTY COMMISSIONERS OF CAROLINE,
9 AND DORCHESTER COUNTIES AND THE COUNTY COUNCIL OF TALBOT COUNTY.

10 (D) "COUNCIL" MEANS MID-SHORE REGIONAL COUNCIL.

11 (E) "REGION" MEANS THE AREA THAT INCLUDES ALL OF CAROLINE,
12 DORCHESTER, AND TALBOT COUNTIES.

13 1-102.

14 (A) THE MID-SHORE REGIONAL COUNCIL IS A REGIONAL PLANNING AND
15 DEVELOPMENT AGENCY FOR THE AREA.

16 (B) THE REGION CONSISTS OF ALL OF CAROLINE, DORCHESTER, AND TALBOT
17 COUNTIES.

18 1-103.

19 (A) (1) THE COUNCIL IS A TAX-EXEMPT PUBLIC BODY CORPORATE AND
20 POLITIC WHICH OPERATES AS A COOPERATIVE PLANNING AND DEVELOPMENT
21 AGENCY WITHIN THE REGION TO FOSTER THE PHYSICAL, ECONOMIC, AND SOCIAL
22 DEVELOPMENT OF THE REGION AND UTILIZES EFFECTIVELY THE ASSISTANCE
23 PROVIDED BY THE STATE.

24 (2) THE COUNCIL INITIATES AND COORDINATES PLANS AND PROJECTS
25 FOR THE DEVELOPMENT OF HUMAN AND ECONOMIC RESOURCES OF THE
26 MID-SHORE REGION AS A MID-SHORE PLANNING AND DEVELOPMENT AGENCY.

27 (B) (1) ON THE DISSOLUTION OF THE COUNCIL, THE COUNCIL, AFTER
28 PAYING OR PROVIDING FOR THE PAYMENT OF ALL OF THE LIABILITIES OF THE
29 COUNCIL, SHALL DISPOSE OF ALL OF THE ASSETS OF THE COUNCIL EXCLUSIVELY
30 FOR THE PURPOSES OF THE COUNCIL OR TO AN ORGANIZATION ORGANIZED AND
31 OPERATED EXCLUSIVELY FOR CHARITABLE, EDUCATIONAL, RELIGIOUS, OR
32 SCIENTIFIC PURPOSES THAT QUALIFIES AS AN EXEMPT ORGANIZATION UNDER §
33 501(C)(3) OF THE INTERNAL REVENUE CODE, AS THE COUNCIL DETERMINES.

34 (2) THE ASSETS NOT DISPOSED OF SHALL BE DISPOSED OF BY THE
35 CIRCUIT COURT FOR THE COUNTY IN WHICH THE PRINCIPAL OFFICE OF THE

1 COUNCIL IS LOCATED, EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, OR TO AN
2 ORGANIZATION THAT THE COURT DETERMINES TO BE ORGANIZED AND OPERATED
3 EXCLUSIVELY FOR THE PURPOSES OF THE COUNCIL, THE INDIVIDUAL COUNTIES.

4 1-104.

5 THE COUNCIL SHALL COOPERATE WITH STATE AND LOCAL DEPARTMENTS AND
6 AGENCIES THAT HAVE RELEVANT STATUTORY FUNCTIONS AND RESPONSIBILITIES.

7 1-105.

8 (A) THE COUNCIL MAY SELECT AND RETAIN ITS OWN LEGAL COUNSEL.

9 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE ATTORNEY
10 GENERAL OF MARYLAND ~~SHALL~~ MAY SERVE AS LEGAL ADVISOR TO THE COUNCIL IN
11 ALL MATTERS PERTAINING TO THE COUNCIL'S ACTIVITIES.

12 1-106.

13 THE COUNCIL IS AN INDEPENDENT UNIT AND MAY NOT BE PLACED BY THE
14 GOVERNOR IN ANY PRINCIPAL DEPARTMENT.

15 TITLE 2. COUNCIL MEMBERSHIP AND DUTIES.

16 SUBTITLE 1. MEMBERSHIP.

17 2-101.

18 (A) THE MEMBERSHIP OF THE COUNCIL CONSISTS OF THE FOLLOWING
19 MEMBERS FROM CAROLINE, DORCHESTER, AND TALBOT COUNTIES:

20 (1) NINE COUNTY ELECTED OFFICIALS, THREE FROM EACH COUNTY,
21 APPOINTED BY THEIR RESPECTIVE COUNTY GOVERNING BODIES AS VOTING
22 MEMBERS;

23 (2) THREE COUNTY ADMINISTRATORS, ONE FROM EACH COUNTY, AS
24 NONVOTING EX OFFICIO MEMBERS;

25 (3) (I) THREE MUNICIPAL ELECTED OFFICIALS, ONE FROM EACH
26 COUNTY, APPOINTED BY THEIR RESPECTIVE MUNICIPAL CORPORATIONS AS VOTING
27 MEMBERS; OR

28 (II) IF THE MUNICIPAL CORPORATIONS LOCATED IN A COUNTY ARE
29 UNABLE TO CHOOSE A MUNICIPAL ELECTED OFFICIAL WITHIN A REASONABLE
30 PERIOD OF TIME, THE EASTERN SHORE MUNICIPAL ASSOCIATION SHALL APPOINT AN
31 ELECTED MUNICIPAL OFFICIAL TO REPRESENT THE MUNICIPAL CORPORATION;

32 (4) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
33 WHO HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS VOTING
34 EX OFFICIO MEMBERS;

1 (5) MEMBERS OF THE GENERAL ASSEMBLY REPRESENTING THE REGION
2 WHO DO NOT HAVE A MAJORITY OF THEIR LEGISLATIVE DISTRICT IN THE REGION AS
3 NONVOTING EX OFFICIO MEMBERS; AND

4 (6) SUCH OTHER COUNTY COMMISSIONERS AS NONVOTING EX OFFICIO
5 MEMBERS.

6 (B) (1) A COUNCIL COMMISSIONER OR ADMINISTRATOR OF A COUNTY
7 LISTED UNDER SUBSECTION (A)(1) AND (2) OF THIS SECTION MAY VOTE BY PROXY ON
8 BEHALF OF ANOTHER COUNCIL MEMBER WHO IS ABSENT FROM A MEETING IF THE
9 OTHER COUNCIL MEMBER REPRESENTS THE SAME COUNTY GOVERNING BODY.

10 (2) A COUNCIL MEMBER LISTED UNDER SUBSECTION (A)(1) OF THIS
11 SECTION SHALL INFORM THE COUNCIL EXECUTIVE DIRECTOR IN ADVANCE OF
12 WHICH OTHER COUNCIL MEMBERS MAY CAST A PROXY VOTE ON BEHALF OF THE
13 COUNCIL MEMBER WHEN ABSENT UNDER THE PROVISIONS OF PARAGRAPH (1) OF
14 THIS SUBSECTION.

15 (C) THE BYLAWS OF THE COUNCIL MAY PROVIDE FOR ADDITIONAL PRIVATE
16 CITIZEN MEMBERSHIP ON THE COUNCIL.

17 2-102.

18 (A) THE VOTING MEMBERS AND MEMBERS OF THE GENERAL ASSEMBLY WHO
19 HOLD MEMBERSHIP BY VIRTUE OF THEIR ELECTED OR APPOINTED POSITION HOLD
20 OFFICE ONLY DURING THEIR TERM OF OFFICE.

21 (B) MEMBERSHIP ON THE COUNCIL DOES NOT CONSTITUTE HOLDING AN
22 OFFICE OF PROFIT.

23 2-103.

24 VACANCIES ON THE COUNCIL SHALL BE FILLED FOR THE DURATION OF THE
25 UNEXPIRED TERM IN THE SAME MANNER AS PROVIDED FOR THE ORIGINAL
26 APPOINTMENT.

27 2-104.

28 MEMBERS OF THE COUNCIL SERVE WITHOUT COMPENSATION.

29 2-105.

30 THE COUNCIL SHALL ELECT A CHAIRPERSON FROM AMONG ITS MEMBERS.

31 SUBTITLE 2. BYLAWS.

32 2-201.

33 THE COUNCIL MAY ADOPT BYLAWS, RULES, AND REGULATIONS FOR THE
34 CONDUCT OF THE COUNCIL AND TO CARRY OUT THE COUNCIL'S MISSION.

SUBTITLE 3. FINANCING.

2-301.

(A) (1) THE COUNCIL MAY RECEIVE STATE FINANCIAL SUPPORT TO ASSIST IN CARRYING OUT ITS ACTIVITIES.

(2) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE COUNCIL SHALL SUBMIT TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT ITS PROPOSED WORK PROGRAMS AND OPERATING BUDGET FOR THE FOLLOWING FISCAL YEAR, TOGETHER WITH SUPPORTING SCHEDULES TO SHOW HOW THE BUDGET IS FINANCED, AND TO PROVIDE FOR REVIEW AND RECOMMENDATIONS.

(II) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT SHALL FORWARD THE PROPOSED OPERATING BUDGET TO THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR CONSIDERATION.

(3) THE STATE BUDGET, SUBJECT TO ANNUAL REVIEW BY THE GENERAL ASSEMBLY, SHALL PROVIDE AN APPROPRIATION IN THE FOLLOWING FISCAL YEAR OF AT LEAST \$200,000 FOR SUPPORT OF THE COUNCIL.

(B) (1) THE COUNCIL AND THE COUNCIL'S ACTIVITIES MAY BE FINANCED COOPERATIVELY BY THE STATE OF MARYLAND AND CAROLINE, DORCHESTER, AND TALBOT COUNTIES.

(2) THE COUNCIL MAY RECEIVE ADDITIONAL FUNDS FROM OTHER PUBLIC OR PRIVATE SOURCES.

(3) THE GOVERNING BODIES OF CAROLINE, DORCHESTER, AND TALBOT COUNTIES ANNUALLY SHALL APPROPRIATE AT LEAST \$10,000 EACH FOR THE USE OF THE COUNCIL TO FOSTER COOPERATIVE PLANNING AND DEVELOPMENT IN THE REGION.

(4) THE GOVERNING BODIES OF CAROLINE, DORCHESTER, AND TALBOT COUNTIES MAY APPROPRIATE ANY OTHER MONEYS THAT ARE NECESSARY AND APPROPRIATE FOR THE COUNCIL.

(5) OTHER POLITICAL SUBDIVISIONS OR SPECIAL TAXING DISTRICTS MAY APPROPRIATE MONEY THAT IS NECESSARY AND APPROPRIATE FOR THE COUNCIL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to confer any land use regulation or zoning authority to the Mid-Shore Regional Council.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health and safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

